

REMARKS

I. Status of the Claims

As filed, the application included claims 1-37. A preliminary amendment filed April 23, 2004 amended claims 1 and 5 but neither canceled nor added any claims. This amendment cancels claims 18-37 and adds new claims 38-39. This amendment also amends claims 1-4. Hence, after entry of this amendment, claims 1-17 and 38-39 stand pending for examination.

II. Declaration

The office action mailed August 11, 2005 objected to the declaration as filed, because the declaration was unsigned. It is believed that a signed declaration was filed on August 22, 2001, in response to a notice of missing parts. (See response to missing parts, including postcard, attached as Exhibit A). For the Examiner's records, an additional copy of that declaration is attached hereto as Exhibit B. It is believed that this documentation addresses the objection to the declaration.

III. Response to Restriction Requirement

A Restriction/Election requirement mailed August 11, 2005 restricted the pending claims into three groups:

Group I (claims 1-17)

Group II (claims 18-31)

Group III (Claims 32-37)

Applicants elect without traverse to prosecute the Group I claims, which include claims 17-31. Accordingly, claims 18-37 have been canceled without prejudice or disclaimer. Applicants reserve the right to reintroduce the canceled claims in this or another application.

IV. New and Amended Claims


Claims 1-4 have been amended to remove the term "smart," as that term is viewed as an unnecessary limitation. Applicants submit that this amendment does not narrow the scope of the claims.

New claims 38 and 39 have been added. Those claims recite, respectively, a software program and a computer system. The elements of claims 38 and 39 correspond generally to those of pending claim 1.

V. Conclusion

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Chad E. King
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
CEK:tnd
60568548 v1

Appl. No. 09/872,764
Amdt. dated September 12, 2005
Response to Restriction Requirement of August 11, 2005

PATENT

Exhibit A – Response to Notice of Missing Parts



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/872,764	
	Filing Date	June 1, 2001	
	First Named Inventor	Grainger, Jeffry J.	
	Group Art Unit	2166	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	1	Attorney Docket Number	020313-000110US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Application Data Sheet Power of Attorney Statement Under 3.73(b) Copy of Notice of Missing Parts Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
Pursuant to the Notice to File Missing Parts of Non-Provisional Application dated June 22, 2001, the enclosures listed under Other Enclosures are to be made of record in the above-identified case. The fees required are listed on the attached Fee Transmittal to be deducted from our Deposit Account listed above.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Chad R. Walsh Reg No. 43,235
Signature	<i>Chad R. Walsh</i>
Date	August 22, 2001

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: August 22, 2001	
Typed or printed name	Krista K. Merrimec
Signature	<i>Krista K. Merrimec</i>
Date	August 22, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3165252 v1



FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 573

Complete If Known

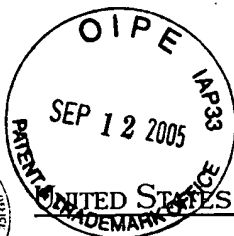
Application Number	09/872,764
Filing Date	June 1, 2001
First Named Inventor	Grainger, Jeffrey J.
Examiner Name	Unassigned
Group Art Unit	2166
Attorney Docket No.	020313-000110US

METHOD OF PAYMENT		FEE CALCULATION (continued)																																					
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES																																					
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other																																							
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2. EXTRA CLAIM FEES																																							
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3	-3**	0	\$40																																				
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**or number previously paid, if greater; For Reissues, see above																																							
		5. OTHER FEES																																					
		The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.																																					
		*Reduced by Basic Filing Fee Paid																																					
		SUBTOTAL (3) (\$65)																																					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Chad R. Walsh	Registration No. (Attorney/Agent)	43,235
Signature	Chad R. Walsh	Telephone	650-326-2400
		Date	August 22, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/872,764	06/01/2001	Jeffry J. Grainger	20313000110

CONFIRMATION NO. 2173

FORMALITIES LETTER



OC000000006217905

William L. Shaffer
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

Date Mailed: 06/22/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$153.
 - \$153 for 17 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 573.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket No.: 02031 0110US
Client Ref. No.: 2000-0100-US2

PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 09/872,764, filed on June 1, 2001,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one Jeffry J. Grainger Date: 8/13/01

Signature: [Signature] Citizen of: USA

Inventor two SKD Steven K. Boyer Stephen K. Boyer Date: 8/13/01

Signature: [Signature] Citizen of: USA

Inventor three ANNE Cecily A. Snyder Date: 10 Aug 01

Signature: [Signature] Citizen of: USA

Inventor four _____ Date: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
PA 3162150 v1



Application Information

Application number:: 09/872,764
Filing Date:: June 1, 2001
Application Type:: Regular
Subject Matter:: Utility
Suggested classification::
Suggested Group Art Unit::
CD-ROM or CD-R??:
Number of CD disks::
Number of copies of CDs::
Sequence Submission::
Computer Readable Form (CRF)?::
Number of copies of CRF::
Title:: COMPUTER-IMPLEMENTED METHOD FOR
SECURING INTELLECTUAL PROPERTY
Attorney Docket Number:: 020313-000110US
Request for Early Publication:: No
Request for Non-Publication:: No
Suggested Drawing Figure:: 11
Total Drawing Sheets:: 33
Small Entity?:: Yes
Latin name::
Variety denomination name::
Petition included?:: No
Petition Type::
Licensed US Govt. Agency::
Contract or Grant Numbers One::
Secrecy Order in Patent Appl.?:: No

Inventor Information

Inventor Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Jeffry
Middle Name:: J.
Family Name:: Grainger
Name Suffix::
City of Residence:: Portola Valley
State or Prov. Of Residence:: CA
Street:: 95 Palmer Lane
City:: Portola Valley
State or Province:: CA
Postal or Zip Code:: 94028

Inventor Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Stephen
Middle Name:: K.
Family Name:: Boyer
Name Suffix::
City of Residence:: San Jose
State or Prov. Of Residence:: CA
Street:: 18710 Vista De Almaden
City:: San Jose
State or Province:: CA
Postal or Zip Code:: 95120

Inventor Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Cecily
Middle Name:: Anne
Family Name:: Snyder
Name Suffix::
City of Residence:: San Francisco
State or Prov. Of Residence:: CA
Street:: 545 Arguello Boulevard, #4
City:: San Francisco
State or Province:: CA
Postal or Zip Code:: 94118

Correspondence Information

Correspondence Customer Number:: 20350

Representative Information

Representative Customer Number:: 20350

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application is:: 09/872,764	Non-Provisional of Continuation-in-part of	60/253,360 09/585,947	11/27/00 06/02/00

Foreign Priority Information

Country::

Application number::

Filing Date::



Please type a plus sign (+) inside this box → +

PTO/SB/81 (02-01)
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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/872,764
	Filing Date	June 1, 2001
	First Named Inventor	Grainger, Jeffrey J.
	Title	COMPUTER-IMPLEMENTED METHOD FOR SECURING INTELLECTUAL PROPERTY
	Group Art Unit	2166
	Examiner Name	Unassigned
	Attorney Docket Number	020313-000110US

I hereby appoint:

☒ Practitioners at Customer Number 20350 → Place Customer
Number Bar Code
Label here

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.
OR
☐ Practitioners at Customer Number →

<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	ZIP	
Country			
Telephone	Fax		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Jeffrey J. Grainger
Signature	
Date	8/13/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Jeffrey J. Grainger et al.

Application No./Patent No.: 09/872,764

Filed/Issue Date: June 1, 2001

Entitled: COMPUTER-IMPLEMENTED METHOD FOR SECURING INTELLECTUAL PROPERTY

First to File, Inc., a corporation of the State of Delaware

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

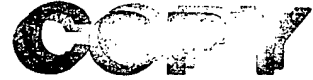
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

8/13/01
Date

Jeffrey J. Grainger
Signature
Jeffrey J. Grainger
Typed or printed name
Chief Strategy Officer
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Jeffry J. Grainger, of 95 Palmer Lane, Portola Valley, California 94028; Steven K. Boyer, of 18710 Vista De Almaden, San Jose, California 95120; Cecily A. Snyder, of 545 Arguello Boulevard, #4, San Francisco, California 94118; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: COMPUTER-IMPLEMENTED METHOD FOR SECURING
INTELLECTUAL PROPERTY

Date(s) of execution of Declaration: August 13, 2001 and August 16, 2001

Filing Date: June 1, 2001

Application No.: 09/872,764; and

WHEREAS, FIRST TO FILE, INC., a corporation of the state of Delaware, located at 3355 Edison Way, Menlo Park, California, 94025, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

COPY

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 8/13/01


Jeffrey J. Grainger

WITNESSES:

Dated: _____

Name: _____

Dated: _____

Name: _____

COPY

Dated: Aug. 13, 2001

Stephen K. Boyer
Steven K. Boyer
STEPHEN K. BOYER

WITNESSES:

Dated: _____

Name: _____


Dated: _____

Name: _____

Assignment
Attorney Docket No.: 020313-000110US
Page 4

COPY

Dated: 16 Aug 01



Cecily A. Snyder
ANNE

WITNESSES:

Dated: _____

Name: _____

Dated: _____

Name: _____



TO THE U.S. PATENT AND TRADEMARK OFFICE:

Please stamp your date of receipt of the following documents and return this card to addressee:

- Enclosed
- 1) SB/21 Transmittal (1 page)
 - 2) SB/17 Fee Transmittal (in duplicate) (2 pages)
 - 3) Declaration (1 page)
 - 4) Application Data Sheet (3 pages)
 - 5) Power of Attorney (1 page)
 - 6) Statement Under 3.73(b) with attached copy of Assignment (5 pages)
 - 7) Copy of Notice of Missing Parts (1 page)
 - 8) Return Post Card

Application No.: 09/872,764
Atty Docket No.: 020313-000110US
Date Due: August 22, 2001
Date Mailed: August 22, 2001
Atty/Secy: CRW/km

PA 3165258 v1

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Date Due: August 22, 2001
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Atty/Secy: CRW/km



PA 3165258 v1

Appl. No. 09/872,764
Amdt. dated September 12, 2005
Response to Restriction Requirement of August 11, 2005

PATENT

Exhibit B – Additional Copy of Declaration



Attorney Docket No.: 02031 J0110US
Client Ref. No.: 2000-0100-US2

PTO/SB/01A (10-00)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 09/872,764, filed on June 1, 2001,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)	
Inventor one <u>Jeffry J. Grainger</u>	Date: <u>8/13/01</u>
Signature: <u>[Signature]</u>	Citizen of: <u>USA</u>
Inventor two <u>^{SKD} Steven K. Boyer Stephen K. Boyer</u>	Date: <u>8/13/01</u>
Signature: <u>[Signature]</u>	Citizen of: <u>USA</u>
Inventor three <u>^{ANW} Cecily A. Snyder</u>	Date: <u>11/01/01</u>
Signature: <u>[Signature]</u>	Citizen of: <u>USA</u>
Inventor four _____	Date: _____
Signature: _____	Citizen of: _____
<input type="checkbox"/> Additional inventors are being named on _____ additional form(s) attached hereto.	